

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

P.S. – Education (SE) Department –APAT set aside the punishment of Removal of Sri K.N.Shanth Kumar, Superintendent, o/o D.G.E., Hyd. – Placing Sri K.N.Shantha Kumar under deemed suspension setting aside the punishment - Appointment of Inquiry Officer and Presenting Officer – Orders – Issued.

EDUCATION [SE- Vig.I(1)] DEPARTMENT

G.O.Rt. No. 400,

Dated: 16.07.2010.

Read the following :

1. From the D.G.E., Hyd., Proc.Rc.No.18/A1-1/2000, dt.19.6.2002 & dt.16.1.2003. (charge memos.)
2. From Sri K.N.Shanth Kumar, Written Statements of Defence, dt.29.6.2002 & 25.1.2003.
3. From the D.G.E., Lr.Rc.No.18/A1-1/2000, dt.27.8.2002.
4. G.O.Rt.No.435 Edn., dt.17.5.2003.
5. Inquiry Report dt.16.2.2005 of Smt.B.M.Kusuma Kumari, J.D.(EE), o/o DSE, Hyd. & Inquiry Officer.
6. From the D.G.E., Hyd., Proc.Rc.No.18/A1-1/2000, dt.27.10.2005. (removal from service)
7. From the APAT, Order dt.12.11.2009 in OA No.8747/2005.

ORDER :

In the Proceedings 1st read above, the Director of Government Examinations, Hyderabad, framed charges against Sri K.N.Shantha Kumar, Superintendent, o/o D.G.E., Hyd. After considering the written statements of defence 2nd read above, the Director of Government Examinations decided to appoint Inquiry Officer, other than from D.G.E. office, to conduct inquiry in fair manner and without any bias ; and therefore requested the Govt., to appoint the Inquiry Officer. Accordingly, Smt.B.M.Kusuma Kumari, Dy.Director (Trg.), o/o the Director of School Education, Hyd., was appointed as Inquiry Officer, vide G.O.4th read above, for conducting inquiry into the charges against Sri K.N.Shantha Kumar. She has conducted inquiry and submitted the report 5th read above. After considering the inquiry report and following the due procedure, the Director of Govt.Examinations removed Sri K.N.Shanth Kumar from service, vide Proceedings 6th read above. Aggrieved by the said Proceedings, Sri K.N.Shantha Kumar filed O.A. No.8747/2005 in the APAT. His due date of retirement was 30.11.2005.

2. The APAT, in its order dt.12.11.2009 in O.A. No.8747/2005, has ordered that the Enquiry Officer has steeped and traversed beyond the scope of charge and has given report which is not in consonance with the Rule 20 of sub-rule 23(i) of APCS(CC&A) Rules and the entire proceedings are vitiated and in the result the impugned orders are set aside and however left open to the authorities to proceed against the applicant strictly in accordance with rules.

3. After careful examination of the matter, Government have decided to place Sri K.N.Shanthakumar under deemed suspension from 27.10.2005 to 30.11.2005 while setting aside the punishment orders and to remit the case to the Inquiring Authority to continue the disciplinary proceedings from where the enquiry proceedings have been vitiated in accordance with APCS(CCA) Rules, 1991.

4. Accordingly, the said Sri K.N.Shantha Kumar is hereby placed under **deemed suspension** from the date of removal to the date of retirement i.e., from 27.10.2005 to 30.11.2005 under Rule 8(4) of A.P.C.S.(CCA) Rules, 1991, and the **punishment orders** 6th read above are **set aside**.

5. Sri **Janak Raj**, IPS(Retd.), Commissioner of Inquiries, is hereby appointed as **Inquiring Authority** for conducting inquiry in accordance with Rules into the charges framed against Sri K.N.Shantha Kumar in the Proceedings 1st read above.

6. Sri M.Varaprasada Rao, Advocate, H.No.8-2-268/1/3, Sriniketan Colony, Road No.3, Banjara Hills, Hyderabad, is hereby appointed as **Presenting Officer** to present the case on behalf of the disciplinary authority in support of the articles of charges.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SECRETARY TO GOVERNMENT(SE)

To

Sri Janak Raj, IPS(Retd.), Commissioner of Inquiries. (Inquiry Officer).

Sri M.Varaprasada Rao, Advocate, H.No.8-2-268/1/3, Sriniketan Colony, Road No.3, Banjara Hills, Hyderabad (Presenting Officer).

The Individual through the Director of Government Examinations, Hyderabad.

The Director of Government Examinations, Hyderabad. (with a request to furnish relevant records to the Inquiry Officer)

Copy to the Secretary to V.C., APVC.

SF/SC.

// FORWARDED : BY ORDER //

SECTION OFFICER